

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

EARLY STORY,)
)
Plaintiff,)
)
VS.) No. 15-2540-JDT-tmp
)
TRE HARGETT, ET AL.,)
)
Defendants.)

ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS*
AND DIRECTING PLAINTIFF TO PAY FULL \$400 CIVIL FILING FEE

On August 14, 2015, Plaintiff Early Story, a resident of Memphis, Tennessee, filed a *pro se* civil complaint and a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.)

Federal law provides that the “clerk of each district court shall require parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise,” to pay a filing fee of \$400. 28 U.S.C. § 1914(a)-(b).¹ To ensure access to the courts, however, 28 U.S.C. § 1915(a) permits an indigent plaintiff to avoid payment of filing fees by filing an *in forma pauperis* affidavit. Under that section, the Court must conduct a satisfactory inquiry into the plaintiff’s ability to pay the filing fee and

¹ Twenty-eight U.S.C. § 1914(a) requires a civil filing fee of \$350. Pursuant to § 1914(b), “[t]he clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States.” The Judicial Conference prescribed an additional administrative fee of \$50 for filing any civil case, except for cases seeking habeas corpus and cases in which the plaintiff is granted leave to proceed *in forma pauperis* under 28 U.S.C. § 1915.

prosecute the lawsuit. A plaintiff seeking *in forma pauperis* standing must respond fully to the questions on the Court's *in forma pauperis* form and execute the affidavit in compliance with the certification requirements contained in 28 U.S.C. § 1746.

In this case, the Plaintiff has submitted a properly completed and executed *in forma pauperis* affidavit. However, the information set forth in the affidavit does not satisfy Plaintiff's burden of demonstrating that he is unable to pay the civil filing fee. He has sufficient income and assets and no unusual expenses. Accordingly, the motion to proceed *in forma pauperis* is DENIED. Plaintiff is ORDERED to pay the entire \$400 filing fee within thirty (30) days after the date of this order. Failure to do so will result in dismissal of this action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE